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EXAMINER	
NEWAY, SAMUEL G	
ART UNIT	PAPER NUMBER
2626	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,495	CREAMER ET AL.	
	Examiner	Art Unit	
	SAMUEL G. NEWAY	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-10 and 22-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is responsive to the RCE filed on 21 May 2009.

2. Claims 1-3, 5-10, and 22-24 are pending and considered below. Claims 22-24 are new.

Response to Arguments

3. Applicant's arguments filed 21 May 2009 have been fully considered but they are not persuasive.

Applicant argues that, considered as a whole, Kredo's translation function cannot be combined with Jong's text to speech generation function because Kredo's translation may output non-textual data on which text to speech cannot be performed. The Examiner respectfully disagrees. Only the textual outputs, namely acronyms and abbreviations, are relied upon to teach the data on which Jong's text to speech is performed. The non-textual outputs would be displayed. Also, please note that the different types of translations are provided in the alternative. In other words the non-textual outputs are not necessarily outputted. Only textual outputs, and even more precisely, for example, only acronyms may be outputted. And it would have been obvious to one with ordinary skill in the art to have speech synthesized Kredo's textual outputs using Jong's text to speech process.

Applicant also argues that Kredo produces an output that is intended for visual display and even if some text were present, it would be presented as a visual display and not as synthesized speech. However, it is Jong which is relied upon as teaching the

production of synthesized speech using textual data. Further, please note that even if it is not used in the rejections, Kredo also discloses converting text to speech (col. 8, lines 29-33).

Moreover, Applicant argues that one of skill in the art would have no reason to combine Jong and Kredo because "Jong is cited for a proposition unrelated to producing a visual display". The Examiner respectfully disagrees. Jong discloses a receiving terminal which "`receives the text data and may immediately display the text data and/or translate it into speech output signals using the text to speech conversion device`" (Abstract). Therefore, using Jong's method, Kredo's textual output would be displayed and/or converted to speech.

4. Applicant's arguments with respect to new claims 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. Claim 22 recites "each SMS message comprising a portion of the text". There is no disclosure in the specification, as originally filed, regarding SMS messages comprising a portion of the transcribed text. Claim 23, which depends on claim 22 recites a similar limitation. Claim 24 depends upon claim 22.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-3, 5-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) and in further view of Marko et al. (USPGPub 2004/0049389).

Claim 1:

Jong discloses a method of reducing bandwidth requirements in an on-line chat system (col. 1, line 65 to col. 2, line 5), comprising the steps of:

receiving a speech input at a calling party ("`receiving audio input signals from the user`", col. 3, lines 13-20);

transcribing the speech input to a text message in a same language ("`converting them into textual representations`", col. 3, lines 13-20);

converting the text message to an alternative text message based upon at least one of a calling party profile and a called party profile ("`translates the text data`

into text data of the selected language ...", col. 9, lines 6-11, FIG. 9 and related text. Note that the specific selected language is a called party's profile) wherein at least one of said profiles specifies replacing at least a portion of said text message with an alternative text portion having a same meaning as said replaced portion of said text message (the translation has the same meaning as the text data).

However, Jong does not explicitly disclose converting the text message to an alternative text in the same language wherein the alternative text message has a shorter length than the replaced text message.

In a similar instant messaging system, Kredo discloses converting a text message into an "appropriate short hand representation" (col. 8 lines 18-25).

It would have been obvious to one with ordinary skill in the art at the time of the invention to include Kredo's short hand representations in Jong's translation dictionary because using acronyms and abbreviations is standard practice for instant messaging systems (Kredo, col. 7, lines 6-8).

Furthermore, Jong and Kredo do not explicitly disclose compressing the translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission ("compress the text prior to transmission ...", [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress text messages prior to transmission in order to "reduce the required channel bit rate" (Marko, [0021]).

Jong further discloses transmitting the text stream to a called party ("textual representations are the sent to the subscriber terminal", col. 3, lines 13-20);

receiving the alternative text message by the called party as the text stream ("communication is achieved by the sending of continuous streams of text data", col. 3, lines 20-24); and

rendering the alternative text message by converting the alternative text message into speech output at the called party substantially in real-time ("the text data … may be forwarded to the text to speech conversion device… where the text data in converted … enabling real time speech communication using text data transmission", col. 5, lines 25-33).

Claim 2:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of sending a voice signature of the calling party to the called party ("a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 3:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of maintaining a voice signature repository of the calling party for access by a called party of a voice signature of the calling party when receiving a call from the calling party ("a speech pattern of the party actually sending the text data may be stored in the speech pattern database ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 5:

Jong, Kredo and Marko disclose the method of claim 2, Jong further discloses, wherein the alternative text message is converted at the called party to the speech output by using text-to-speech conversion in conjunction with the voice signature of the calling party ("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 6:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of translating the alternative text message to another language to provide a translated alternative text message ("the language translator 900 performs language translation", col. 9, lines 14-19).

Claim 7:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of transmitting comprises the step of transmitting the translated alternative text message ("the speech recognition device 203 outputs text data in a selected language", col. 8, lines 61-64).

Claim 9:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of converting translated alternative the text message is converted at the called party to the speech output by using text-to-speech synthesis in conjunction with the voice signature of the calling party ("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern ", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 10:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the method further comprises:

adding the translated alternative text message to the data stream ("textual representations are the sent to the subscriber terminal", col. 3, lines 13-20);

displaying the translated alternative text message in the called party's location substantially in real time ("the text data can be displayed", col. 5, lines 24-30).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) in further view of Marko et al. (USPGPub 2004/0049389) and in further view of Flanagan et al. (USPN 6,339,754).

Claim 8:

Jong, Kredo and Marko disclose and make obvious the method of claim 6, however, none of Jong, Kredo or Marko explicitly disclose, wherein the step of translating the alternative text message occurs in a server on a network coupled between the calling party and the called party.

Flanagan discloses a speech translation system similar to Jong's where "translation services are provided by one or more dedicated servers ..." (col. 6, lines 46-50).

It would have been obvious to one with ordinary skill in the art at the time of the invention to use translation servers as suggested by Flanagan, for the translation step in Jong's method in order to avoid every device used in Jong's system having to be equipped with a translation system and use a common translation system on a network as is well known in the computing arts.

10. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Astrom (USPN 5,579,372).

Claim 22:

Jong discloses a method of reducing bandwidth requirements in an on-line chat system between a first party and a second party (col. 1, line 65 to col. 2, line 5), the method comprising the steps of:

with a mobile phone ("subscriber terminals 100 and 110 may be … telephones (wired or wireless", col. 2, line 65 to col. 3, line 3), receiving a speech input at a calling party; within the mobile phone, transcribing the speech input to a text message in a same language ("subscriber terminal 100 may then initiate communication with subscriber terminal 110 via the data network 150 by receiving audio input signals from the user and converting them into textual representations of the audio input signals", col. 3, lines 13-20); and

transmitting from the mobile phone a stream of the text directed to the second party ("textual representations are then sent to the subscriber terminal 110 … realtime communication is achieved by the sending of continuous streams of text data over the data network 150", col. 3, lines 13-24).

However, Jong does not explicitly disclose transmitting the stream using the SMS messaging protocol.

It is old and well known to use SMS to send text messages in mobile phones, as is disclosed in Astrom (col. 1, lines 6-9).

Therefore, it would have been obvious to one with ordinary skill in the art to have transmitted Jong's text data stream using Astrom's method because SMS is a widely used standard for mobile phone text messaging.

Claim 24:

Jong in view of Astrom discloses the method of claim 22, Jong further discloses:

converting the text in the stream of SMS messages to speech ("`text to speech converter 407 converts the text data into speech output signals`", col. 6, lines 13-16); and

rendering the speech as an output to the second party ("`speech output signals are then output to the receiving party through the speech output device 211`", col. 6, lines 19-20).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Astrom (USPN 5,579,372) in further view of Marko et al. (USPGPub 2004/0049389).

Claim 23:

Jong in view of Astrom discloses the method of claim 22, however, neither Jong nor Astrom explicitly discloses compressing the text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission ("`compress the text prior to transmission ...`", [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress text messages prior to transmission in order to "reduce the required channel bit rate" (Marko, [0021]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL G. NEWAY whose telephone number is (571)270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/

Supervisory Patent Examiner, Art Unit 2626

/S. G. N./
Examiner, Art Unit 2626